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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,549	03/20/2001	Osamu Kawai	1081.1115	9082
21171	7590	05/02/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CHEUNG, MARY DA ZHI WANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/811,549	<b>Applicant(s)</b> KAWAI ET AL.	
	<b>Examiner</b> Mary Cheung	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-17 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the appeal brief filed on February 21, 2006. Claims 1-17 are pending.
2. In view of the appeal brief, PROSECUTION IS HEREBY REOPENED.
3. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10-12 and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "said server" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "said server" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites "said storage medium storing a program comprising: classifying...; and managing...". It does not make sense that the program comprises classifying and managing. Does it mean the program is encoded for classifying and managing?

Claims 10 and 15-17 recites limitations with word "capable". These are intended uses, and thus they are not positive limitations. See *In re Collier*, 158 USPQ 266.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma et al., U. S. Patent 6,950,871 in view of Rosinski et al., U. S. Patent 5,381,467.

As to claims 1 and 10, Honma teaches a network apparatus capable of connecting to a network, said network apparatus comprising (Fig. 18):

- a) A storing unit storing a combination type of business entities, wherein said combination type is a type of combination of business entities providing service to network apparatuses, the business entities share costs related to the network apparatus (column 15 lines 25-54 and Fig. 18);
- b) A communication unit sending said combination type stored in said storing unit with a network connection request to a predetermined server on the network (column 15 lines 25-54 and Fig. 18).

Honma does not specifically teach the storing unit stores a combination type of business entities bearing costs related to the network apparatus, each network apparatus receiving the service from the business entities specified by the combination type, and a managing unit managing sharing of costs related to each network apparatus based on said combination type. However, Rosinski teaches a storing unit stores a combination type of business entities bearing costs related to the network apparatus, and each network apparatus receiving the service from the business entities specified by the combination type (column 11 lines 1-44 and Fig. 3), and a managing unit managing sharing of costs related to each network apparatus based on said combination type (column 2 lines 25-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Honma's teaching to include the features of the storing unit stores a combination type of business entities bearing costs related to the network apparatus, each network apparatus receiving the service from the business entities specified by the combination type, and a managing unit managing sharing of costs related to each network apparatus based on said combination type for better managing the bearing costs among the business entities.

As to claim 9, Honma modified by Rosinski does not specifically teaches wherein costs related to each network apparatus are the purchasing costs of said network apparatus. It would have been obvious to one of ordinary skill in the art to allow the costs in the teaching of Honma modified by Rosinski to be the purchasing costs of said network apparatus for setting the business for long-term investment.

As to claim 11, Honma does not specifically teach an overwriting unit, when said communicating unit receives said combination type from said server, overwriting said

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combination type stored in said storing unit with said received combination type.

However, Rosinski teaches this matter (column 15 lines 29-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modified the Honma's teaching by implementing the overwriting unit as taught by Rosinski for better managing the bearing costs among the business entities.

As to claim 12, Honma modified by Rosinski does not specifically teach comparing said combination type stored in said storing unit with the combination type received from the server, and in a case that there is no match, overwriting the combination type stored in said storing unit with said received combination type. It would have been obvious to one of ordinary skill in the art to allow the teaching of Honma modified by Rosinski to include the feature of overwriting the combination type stored in said storing unit with said received combination type if there is no match for better managing the bearing costs among the business entities .

As to claim 13, Honma modified by Rosinski teaches all claimed limitation as discussed above except for a removable storage medium placed in the network apparatus. However, a removable storage medium is well known in the art, and it would have been obvious to one of ordinary skill in the art to include a removable storage medium placed in the network apparatus of Honma modified by Rosinski because this would provide convenience for the user who would like to store information in a portable device.

Claims 14-17 are rejected for the similar reason as claims 1 and 10.

8. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma et al., U. S. Patent 6,950,871 in view of Rosinski et al., U. S. Patent 5,381,467, and in further view of Scharfman et al., U. S. patent 6,611,805

As to claims 2-3 and 5, Honma modified by Rosinski teaches said management information comprises the shared cost of business entities in each combination type (see claim 1 above). Honma modified by Rosinski does not specifically teach when said combination type is changed relative to each network apparatus, said managing unit computes for each business entity the difference between the cost, which each business entity corresponding to the combination type of prior to the change is already bearing, and the cost, which each business entity corresponding to the combination type of subsequent to the change will bear, and update the changes accordingly. However, this matter is taught by Scharfman as business entities share costs of using a common facility, and the portion of the sharing costs for each business entity can be changed (column 8 lines 40-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Honma modified by Rosinski to include the feature of re-adjusting the sharing costs as taught by Scharfman for better managing the bearing costs among the business entities.

As to claim 4, Honma teaches each network apparatus connected to a network (Figs. 17-21).

***Allowable Subject Matter***

9. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Levinson (U. S. Patent 5,404,505) discloses scheduling transmission of indexed and requested database tiers on demand at varying repetition rates.

Jacobs et al. (U. S. Patent 5,781,856) discloses concentrated subscriber system for wireless local loop.

Miloslavsky (U. S. Patent 5,991,395) discloses implementation of call-center outbound dialing capability at telephony network level.

Cyr (U. S. Patent 6,223,055) discloses wireless office architecture and method of operation.

Frigo et al. (U. S. Patent 6,577,422) discloses long reach delivery of broadcast services using broadband optical sources and pre-compensated dispersion.

Cutaia et al. (US 2002/0004390 A1) discloses managing telecommunications services and network interconnections.

### ***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300	(Official Communications; including After Final Communications labeled "BOX AF")
(571) 273-6705	(Draft Communications)

Mary Cheung  
Primary Examiner  
Art Unit 3621  
April 26, 2006



MARY D. CHEUNG  
PRIMARY EXAMINER